

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

301 State House
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FISCAL IMPACT STATEMENT

LS 6245

BILL NUMBER: HB 1047

DATE PREPARED: Nov 14, 1998

BILL AMENDED:

SUBJECT: Criminal liability of dog owner for injury to law enforcement animal or service animal.

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FUNDS AFFECTED: ☒ **GENERAL**
☒ **DEDICATED**
FEDERAL

IMPACT: State & Local

Summary of Legislation: This bill makes it a Class C misdemeanor for an owner of a dog to fail to restrain the dog if the dog enters property other than the property of the dog's owner and bites or attacks a law enforcement animal or service animal resulting in injury to the law enforcement animal or service animal. It provides that the offense is a Class B misdemeanor if the person has one previous unrelated violation of this section or if the violation results in serious bodily injury to a law enforcement animal or service animal. It also provides that the offense is a Class A misdemeanor if the person has more than one previous unrelated violation of this section or if the violation results in injury to a law enforcement animal or service animal to the extent that the animal is no longer capable of continued service as a law enforcement animal or service animal or dies or is euthanized as a result of the injury.

This bill provides that the existing law regarding impoundment of animals applies to a dog that attacks a law enforcement animal or service animal. It also provides that it is a Class A misdemeanor to knowingly or intentionally interfere with the actions of a service animal or to strike, torment, injure, or otherwise mistreat a service animal. (Current law provides that such actions constitute a Class A infraction.)

Effective Date: July 1, 1999.

Explanation of State Expenditures:

Explanation of State Revenues: Passage of this bill potentially increases revenue to the Common School Fund but could reduce revenue that is deposited in the state General Fund. This is because fines from misdemeanors are deposited in the Common School Fund while infraction judgements are deposited in the state General Fund. Currently, the maximum judgment for a Class A infraction is \$10,000, while the maximum fine for a Class A misdemeanor is \$5,000. Besides the issuance of fines, the sentencing court may assess a court fee if a guilty verdict is entered. The court fee for an infraction is \$70 while the court fee for a misdemeanor is \$120. The state receives 70% of the court fee that is assessed when a guilty verdict is

entered and the fee is collected in a court of record and 55% if a case is filed in a city or town court.

This bill also creates new Class A, B & C misdemeanor penalties for failure to restrain a dog, with the following maximum fine judgments; Class B: \$1,000 and Class C: \$500.

Explanation of Local Expenditures: Local expenditures could increase if offenders are incarcerated in local jails instead of being only fined. A Class A misdemeanor is punishable by up to one year in jail. A Class B is punishable by up to 180 days in jail and Class C up to 60 days. The average daily cost of housing an offender in jail is reported to be \$44. There is no term of imprisonment for an infraction.

Explanation of Local Revenues: Local governments could receive additional revenues from any court fees that are collected for cases that were infractions and are now misdemeanors. 27% of court fees that are collected are deposited in the county general fund when a guilty verdict is entered for a misdemeanor. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. From city and town courts, the county general fund receives 20% of the court fee while the city or town general fund receives 25%.

State Agencies Affected: Department of Correction.

Local Agencies Affected: Trial courts; local law enforcement agencies.

Information Sources: Indiana Sheriffs Association.